



MIAMI BEACH

OFFICE OF THE CITY MANAGER

## COMMITTEE MEMORANDUM

TO: **Neighborhood/Community Affairs Committee**

Commissioner Edward L. Tobin, Chair  
Commissioner Jerry Libbin, Vice-Chair  
Commissioner Jorge Exposito, Member  
Commissioner Jonah Wolfson, Alternate

FROM: Jimmy L. Morales, City Manager

DATE: July 29, 2013

SUBJECT: MEETING OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE (NCAC) ON  
MONDAY, JULY 29, 2013

A meeting of the Neighborhood/Community Affairs Committee has been scheduled for Monday, July 29, 2013 at 3:00pm in the City Manager's Large Conference Room, 4<sup>th</sup> Floor of City Hall.

The agenda for the meeting is as follows:

### **OLD BUSINESS**

1. **Discussion Regarding The 1<sup>st</sup> Annual "Canstruction" Jr. South Florida Competition**  
Commission Item C4G, May 8, 2013  
(Requested by Commissioner Tobin)  
Maria Ruiz, Division Director Office Of Community Services

### **Request for removal**

2. **Discussion Regarding Building A Guardhouse At East Entrance Of Normandy Shores**  
Commission Item C4L, December 12, 2012  
(Requested by Commissioner Tobin)  
*Discussion Only No Memo*

Legal Department and Rick Saltrick, Public Works

3. **Discussion Regarding A Request To Set Up Maintenance Standards For All City Plaques.**  
Commission Item, C4R, February 6, 2013  
(Requested by Commissioner Exposito)

Kevin Smith, Parks & Recreations Director

4. **Discussion Regarding Bringing The Junior Orange Bowl Tennis Tournament To Miami Beach.**  
Commission Item, C4S, February 6, 2013  
(Requested by

Max Sklar, Tourism and Cultural Development Director

*We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.*

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

5. **Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies.**

Commission Item, C4Q, March 13, 2013

(Requested by Commissioner Weithorn)

Deferred from June 26, 2013 NCAC meeting

Jose Gonzalez, Manager Transportation Department

6. **An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII Entitled "Standards Of Conduct," Division 2 Entitled "Officers, Employees, And Agency Members," By Amending Section 2-446 Thereof Entitled "Declaration Of Policy" To Provide For Limited Standards Of Conduct Applicable To The City's Special Masters, And Creating City Code Section 2-461 Establishing Special Master Lobbying Prohibitions; Providing For Repealer, Severability, Codification, And An Effective Date.**

Commission Item, C4F, April 17, 2013

(Requested by Commissioner Weithorn)

Deferred from NCAC June 26, 2013 meeting

Deborah Turner, City Attorney's Office

7. **Discussion Regarding Miami Beach Mass Transit Loop And Transit Enhancement For North Beach And Middle Beach Circulator**

Commission Item

(Requested by Commissioner Libbin)

Jose Gonzalez, Transportation Manager

8. **Discussion To Consider A New False Claims Ordinance (Whistle Blower).**

Commission Item C4F May 8 2013

(Requested by Commissioner Libbin)

*Discussion Only No Memo*

Donald Papy, Legal Department

**NEW BUSINESS**

9. **Discuss A Potential Public Basketball Court To Be Located Between 8<sup>th</sup> and 9<sup>th</sup> Streets, West Of The Dune, Near The Exercise Equipment.**

Item C4L, June 5, 2013

(Requested by Commissioner Libbin)

Eric Carpenter, Public Works Director

Kevin Smith Parks and Recreation Department Director

10. **The Transportation And Parking Committee And The Bicycle-Pedestrian Facilities Advisory Committee Of A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report As Requested By The Flamingo Park Neighborhood Association For 10-Foot Wide Travel Lanes In The Local Avenues, 6-Foot Wide Sidewalks, And For A Cycle Track On 16<sup>th</sup> Street.**

Item C4P, June 5, 2013

Eric Carpenter, Public Works Director

11. **An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road– Historic District Buffer Overlay," By**

**Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date.**5:00 p.m. First & Only Reading Public Hearing

Item R5C, June 5, 2013

(Requested by Land Use & Development committee)

Richard Lorber, Planning and Zoning Interim Director

**Quarterly Reports: Last reported 3/18/13 NCAC**

**Quarterly Report Crime Statistics**

**Quarterly Report Regarding Washington Ave**

PD

PD/Code/Sanitation

c: Mayor and Members of the City Commission  
Jimmy L. Morales, City Manager  
Jose Smith, City Attorney  
Jorge Gomez, Assistant City Manager  
Kathy G. Brooks, Assistant City Manager  
Mark Taxis, Assistant City Manager  
Eric Carpenter, Public Works Director  
Marcia Monserrat, Special Projects Administrator  
Rafael E. Granado, City Clerk  
Stephen Scott, Building Department Director  
Hernan Cardeno, Code Compliance Division Commander  
Alexis Denis, Procurement Director  
Barbara Hawayek, Customer Service Manager

**Neighborhood/Community Affairs Committee Meeting  
July 29, 2013**

**Discussion Regarding The 1<sup>st</sup> Annual “Canstruction” Jr. South Florida Competition**  
Commission Item C4G, May 8, 2013  
(Requested by Commissioner Tobin)  
Maria Ruiz, Division Director Office Of Community Services

**Request for removal by Commissioner Tobin**

**ITEM #1**



## Hawayek, Barbara

---

**From:** Ruiz, Maria  
**Sent:** Tuesday, July 23, 2013 9:14 PM  
**To:** Brooks, Kathie; Hawayek, Barbara  
**Subject:** Re: NCAC agenda

Canstruction was an item placed by Commissioner Tobin on behalf of Claudia and Joshua Williams who wanted the City's support in getting a venue for this sculpture competition that seeks to raise awareness on hunger. Last month, Ms. Williams rescinded her request because she had secured another location. I had not heard anything more since that time but expected it to be withdrawn once Dessiree heard from Ms. Williams. Let me know what is needed from me.

M

-----  
Maria L. Ruiz  
Division Director  
Office of Community Services  
Miami Beach City Hall  
1700 Convention Center Drive  
Miami Beach, FL 33139  
Tel: 305.673.7491  
Fax: 305.604.2421  
[www.miamibeachfl.gov](http://www.miamibeachfl.gov)  
Sent from my BlackBerry Wireless Handheld

---

**From:** Brooks, Kathie  
**Sent:** Tuesday, July 23, 2013 08:07 PM  
**To:** Hawayek, Barbara  
**Cc:** Ruiz, Maria  
**Subject:** NCAC agenda

I am on a field trip on Wednesday, but I left the signed agenda on your chair with 2 pending items

1. I did not previously understand that Maria Ruiz was withdrawing item #1 – it was my understanding that it was Commission Tobin who had referred it. Staff cannot withdraw an item referred by a Commissioner. Please call me with Maria to discuss.
2. I had additional changes to item 8 – transit loops – I think my comments are self-explanatory but please have Eric call me with any questions. thanks

### MIAMIBEACH

**Kathie G. Brooks, Assistant City Manager**  
1700 Convention Center Drive, Miami Beach, FL 33139  
Tel: 305-673-7010 / Fax: 305-673-7782/ [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

*We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.*

## Hawayek, Barbara

---

**From:** Ruiz, Maria  
**Sent:** Wednesday, July 24, 2013 8:16 AM  
**To:** Hawayek, Barbara  
**Cc:** Brooks, Kathie  
**Subject:** Canstruction

Barbara -

Below is the email and my response to the request from Ms. McLean (Joshua's Mom) advising us that she no longer wishes to pursue a venue in our City for Canstruction. I will out of the office this morning but will try to reach out to Dessiree when I return regarding the item.

Thanks,  
M

MIAMIBEACH  
Maria L. Ruiz, Division Director  
OFFICE OF COMMUNITY SERVICES  
1700 Convention Center Drive, Miami Beach, FL 33139  
Tel: 305-673-7491/ Fax: 305-604-2421/ [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

CONFIDENTIALITY NOTICE: This message and any attachments are for the sole use of the intended recipient(s) and may contain confidential and privileged information that may be exempt from public disclosure. Any unauthorized review, use, disclosure or distribution is prohibited. If you received this message in error, please contact the sender (via telephone, facsimile or electronic mail) and then destroy all copies of the original message. Thank you for your cooperation.

-----Original Message-----

From: Ruiz, Maria  
Sent: Wednesday, June 19, 2013 3:05 PM  
To: Claudia McLean; Monserrat, Marcia; Kane, Dessiree  
Subject: RE: Meeting on the 26th

Claudia -

The Finance Committee meeting was cancelled. Having said this, if the nature of the item referred is changing, I want to make sure that either Dessiree or Commissioner Tobin have an opportunity to reach out to you as I know they were prepared to support a link with Art Basel.

I am copying Dessiree here as well as Marcia so that we are all on the same page.

Please give my best to Joshua. Commissioner Tobin gave him a great shout out on a recent TV program.

Have a great day.  
M

-----Original Message-----

From: Claudia McLean [<mailto:claudia@firstcareservices.com>]

Sent: Sunday, June 16, 2013 7:18 AM

To: Ruiz, Maria

Subject: Meeting on the 26th

Good morning Maria:

We are unable to attend the meeting on the 26th, there is also a change of plans, we found a location to host the event and we would like to display one of the winners in miami beach, possibly at city Hall. Let me know how we can get this done as we will be promoting this soon.

Thanks again for your help.

Have a blessed day.

Kindly,

Claudia

Neighborhood/Community Affairs Committee Meeting  
July 29, 2013

**Discussion Regarding Building A Guardhouse At East Entrance Of Normandy Shores**  
Commission Item C4L, December 12, 2012  
(Requested by Commissioner Tobin)  
*Discussion Only No Memo*

Legal Department and Rick Saltrick, Public Works

**ITEM #2**

## **PRESENTATION AT COMMITTEE MEETING**

Neighborhood/Community Affairs Committee Meeting  
July 29, 2013

**Discussion Regarding A Request To Set Up Maintenance Standards For All City Plaques.**  
Commission Item, C4R, February 6, 2013  
(Requested by Commissioner Exposito)

Kevin Smith, Parks & Recreations Director

**ITEM #3**



# MIAMI BEACH

## MEMORANDUM

TO: Neighborhoods/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager 

DATE: July 29, 2013

SUBJECT: **Discussion Regarding The Establishment Of Maintenance Standards For All City Plaques.**

### Introduction

At the February 4, 2013, City Commission meeting the Mayor and City Commission referred an item requesting the establishment of standards for all city plaques to the Neighborhood/Community Affairs Committee.

### Analysis

In order to better understand the potential scope of the work a preliminary identification and documentation process of the plaques throughout the City was completed. At this time, it is estimated there are approximately sixty (60) to sixty-five (65) metal (bronze or aluminum) throughout the City that would benefit from these maintenance standards.

The maintenance standards for outdoors bronze plaques utilized by the United States Department of the Interior are attached as sample standards that could be applied to the City's plaques. Prior to initiating cleaning and maintenance standards it may be beneficial to have a more comprehensive assessment of the current conditions and maintenance needs for each specific plaque conducted. It is recommended this assessment be conducted by a professional who is familiar with plaques assessment, restoration and reconditioning. Once this evaluation is completed the determination to have the recommended work done by in-house staff or an outside contractor can be determined. It should be noted that at this time there is no dedicated personal or funding allocated for this work.

### Conclusion

The Administration requests a discussion concerning the establishment of standards for all city plaques be held by the members of the Neighborhood/Community Affairs Committee and direction as how to proceed be given.



JLM/JMT//EC/MAS/KS

F:\RCPA\ALL\Previous\KEVIN\Commission Committees Meetings - 2013\NCAC Meeting - 6-26-13\Citywide Plaques Maintenance Standards and Procedures





# Conserve O Gram

September 2005

Number 10/4

## Caring for Outdoor Bronze Plaques, Part I: Documentation and Inspection

### *Introduction*

Outdoor bronze plaques identify significant places and provide recognition for people and events. Over time and without proper care, plaque surfaces can become discolored and pitted. To restore plaques—or to repair other damage—treatment by a conservator is required. Unfortunately, conservation work can be expensive. Until funds are available for this work, simple procedures may be carried out to protect plaques from the environment and retard the rate of deterioration.

This *Conserve O Gram* and *Conserve O Gram* 10/5 provide you with guidelines for taking care of outdoor bronze plaques until a conservator can carry out a full conservation treatment. These procedures are not meant for sculptures or interior plaques.

### *Documentation*

Your first step in caring for an outdoor bronze plaque is gathering together all written documents and images of the plaque. Place all of these materials into a file folder that can be stored in a permanent location. These materials are important. They will give you a better understanding of the plaque's original appearance and its changes over time.

- Written documents include anything regarding the fabrication and installation

of the plaque: receipts from manufacturers, newspaper articles, letters, and specifications. They may be the original documents or photocopies of the originals.

- Images include engravings, drawings, postcards, and photographs, and may also be original or photocopies of the originals.
- Make sure all clippings and photocopies are marked with their full bibliographic citations and collection information.
- Conservation reports, old maintenance records, and case incident reports regarding vandalism or other forms of damage should also be included in the plaque's file.

Photographs of the plaque are necessary to document its appearance and condition, especially if it is located in an area prone to vandalism or theft. Photographs will help with future repairs or replication if necessary. Use black-and-white print film as it is the longest lasting of all contemporary image-making processes. Store negatives in archival envelopes.

While it may be easy to scan documents and store everything electronically, don't throw the papers away. Electronic files require constant migration to a retrievable format. Paper documents are much more likely to survive over time. If you can't find any relevant documents, make a note of this and put it in the file.

## Inspection

Carry out a careful inspection of the plaque. This will help you to identify the material(s) from which it was made and its condition, and better prepare you for the steps recommended in Part II of this *Conserve O Gram*. The inspection will also help you when discussing treatment options with a conservator.

Carry out your inspection in good light with a magnifying glass or jewelers' loupe. You will learn a surprising amount with close scrutiny, both about the original fabrication of the plaque and subsequent deterioration of both the bronze and possible coatings. As an aside, looking closely at other plaques (in your neighborhood, hometown, and far away when you are on vacation) will teach you a great deal about plaques in general.

Place all of your inspection notes in the plaque's file.

## Plaque Material

- Prior to treating a bronze plaque, make sure that it actually is made of bronze. Green corrosion is a good indicator that the plaque is bronze.
- Brass also develops green corrosion products. While bronze and brass are different materials, the same protective procedures can be carried out for plaques made out of both these materials.
- If the corrosion is white or orange, or the surface is magnetic, the plaque is not bronze and the protection procedures outlined in Part II of this *Conserve O Gram* should not be carried out.

*Bronze is an alloy (mixture of two or more metals) of copper (about 85%) and tin; zinc or lead may also be present. Brass is an alloy of copper and zinc, and like bronze, small amounts of other metals may be present.*

## Foundry

- Look for the foundry's name on the plaque; it may be stamped on the very edge. Stamps are often very small and you have to look closely to find them.

## Surface Finish

- Depending on the extent of corrosion and later treatments, you may or may not be able to identify the original color of the patina. The most common chemical patinas for bronze are brown, black, and green.
- Patinas may not have been applied uniformly to the surface; borders, raised letters, and sculptural features may be lighter in color than the background.
- Sometimes (and more frequently for interior plaques), multicolored patinas were used.
- Following patination, plaques were often given a protective layer of wax.
- Modern plaques are frequently painted with baked-on enamels or coated with clear or pigmented lacquers; often borders and raised letters are polished and coated with a clear lacquer.

*Traditionally, bronze plaques were chemically patinated in the foundry. This involves heating the plaque with a torch and applying one or more chemicals that react with the metal to form different colored surfaces.*

### Surface Alteration

- The most significant alteration to a bronze plaque (excluding vandalism or accidental damage) is corrosion, commencing once the protective layer of wax has worn away. Ranging from black to brown to green, bronze corrosion products will mar the appearance of the plaque.
- Small spots of powdery green corrosion products may be evidence of “bronze disease.” Bronze disease is a specific form of deterioration that is self-perpetuating and advances rapidly. This condition is usually only found on bronze plaques near the ocean or a fountain as it is induced by chlorides in water.
- Wax can turn a hazy white over time. Paints and lacquers can peel or flake. (**Note:** Some paints and lacquers may have been applied as a preservative treatment.)
- Other surface alterations include scratches and polished areas subject to repeated touching by visitors.

*Corrosion is an electrochemical reaction between a metal and its environment that causes the metal to deteriorate.*

### Surface Accretions

- All kinds of deposits are found on plaques. Such deposits can include soil and greasy materials, gum, painted graffiti, and insect nests.

### Mounting Mechanism

- Mechanisms for mounting plaques onto their substrate vary. The most common method is to use bolts and you may find that the decorative bolt heads are missing.
- Adhesives are sometimes employed or used in addition to bolts. You may discover mortar, caulk, or elastomeric sealants—or residue of these materials—around the edges of your plaque.

### Some Final Notes on Inspection

Depending on the knowledge that you bring to your inspection, you may not be able to identify all of the materials and deterioration products you see. Do not make guesses. It is best to describe what you see in simple terms to avoid misunderstandings by others reading your notes in the future.

### Bibliography

Gayle, Margot, David W. Look, and John G. Waite. *Metals in America's Historic Buildings*. Washington, D.C.: United States Department of the Interior, Heritage Conservation and Recreation Service, Technical Preservation Services Division, 1980.

Rich, Jack C. *The Materials and Methods of Sculpture*. New York: Oxford University Press, 1947. Reprint edition. New York: Dover Publications, Inc., 1988.

Selwyn, Lyndsie. *Metals and Corrosion: A Handbook for the Conservation Professional*. Ottawa: Canadian Conservation Institute, 2004.

Judith M. Jacob  
Senior Conservator  
National Park Service  
Northeast Regional Office  
Architectural Preservation Division  
26 Wall Street  
New York, New York 10005

Glenn Wharton, Ph.D.  
Research Scholar  
Conservation Center at the Institute of Fine Arts /  
Museum Studies  
New York University  
240 Greene Street Suite 406  
New York, New York 10003

---

The *Conserve O Gram* series is published as a reference on collections management and curatorial issues. Mention of a product, a manufacturer, or a supplier by name in this publication does not constitute an endorsement of that product or supplier by the National Park Service. Sources named are not all inclusive. It is suggested that readers also seek alternative product and vendor information in order to assess the full range of available supplies and equipment.

The series is distributed to all NPS units and is available to non-NPS institutions and interested individuals on line at <[http://www.cr.nps.gov/museum/publications/consveogram/cons\\_toc.html](http://www.cr.nps.gov/museum/publications/consveogram/cons_toc.html)>. For further information and guidance concerning any of the topics or procedures addressed in the series, contact NPS Park Museum Management Program, 1849 C Street NW (2265), Washington, DC 20240; (202) 354-2000.

**Neighborhood/Community Affairs Committee Meeting  
July 29, 2013**

**Discussion Regarding Bringing The Junior Orange Bowl Tennis Tournament To Miami Beach.**

Commission Item, C4S, February 6, 2013  
(Requested by

Max Sklar, Tourism and Cultural Development Director

**ITEM #4**





# MIAMI BEACH

OFFICE OF THE CITY MANAGER

## COMMITTEE MEMORANDUM

TO: Neighborhood and Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 29, 2013

SUBJECT: **DISCUSSION REGARDING BRINGING THE JUNIOR ORANGE BOWL TENNIS TOURNAMENT TO MIAMI BEACH.**

### **BACKGROUND**

The Orange Bowl Tennis Championship began at Flamingo Tennis Center, Miami Beach. This facility, hosted the tournament until 1998, when it was moved to Crandon Park in Key Biscayne, Florida. The Orange Bowl was started by Eddie Herr, who wanted to bring some winter competition to South Beach for his tennis playing daughter. The tournament grew in prestige and importance. In 1983, a professional stadium was built in Flamingo Park, the Abel Holtz stadium, which seated 9,000 fans. The standards of the Orange Bowl could not be maintained and the tournament was moved in 1999 to the Tennis Center at Crandon Park in Key Biscayne, home of the Sony Ericsson Open. Several years ago the Tournament was moved to the City of Plantation. As explained to the City by the USTA, the City of Plantation provides in-kind police services/security, transportation, marketing and advertising support for the event.

Players who have competed at the Orange Bowl include Andre Agassi, Arthur Ashe, Boris Becker, Björn Borg, Jimmy Connors, Jim Courier, Stefan Edberg, Chris Evert, Roger Federer, Steffi Graf, Ivan Lendl, Andy Roddick, Gabriela Sabatini, Monica Seles, and Mary Joe Fernandez.

As you know, the City recently completed the renovation of the Flamingo tennis facility, which includes a new 5,000 sq ft tennis building and 17 clay hydro-courts. In anticipation of the completion of the new facility, Commissioner Tobin referred this item to the Neighborhood and Community Affairs Committee in order to see if the City could attract the tournament back to Flamingo Park. The Tournament moved to Plantation, in part, because there is no current facility in Miami-Dade County that offers the sufficient clay courts to meet their needs. Miami Beach could accommodate the tournament by combining the new Flamingo Park tennis center with the clay courts at North Shore Park.

City staff and staff from the Greater Miami Convention and Visitors Bureau (GMCVB) have been engaged in ongoing discussions with the Orange Bowl Committee and the United States Tennis Association (USTA) Director of Junior Competition, Lewis Brewer. Based on these discussions the following is a list of items that need to be addressed in order to meet the USTA's needs.

**Parking and Transportation:** A limited amount of parking could be accommodated at Flamingo Park, but the majority of the parking would be located off-site at both public and private parking lots and garages in the area surrounding Flamingo Park. A shuttle would need to be provided to help transport attendees to and from the park.

**Hotel Rooms:** The Tournament requires 2,200 total room nights with 300 rooms on peak at a daily rate of \$108. This is especially challenging as the Tournament overlaps with Art Basel Miami Beach. The City has been working with the GMCVB to identify potential hotels both within the City and on the mainland that could accommodate their needs. Attached is a copy of a hotel occupancy and average daily rate analysis for the time period in question. It is likely the hotel rates will need to be subsidized in order to meet the tournament's needs.

**Spectator Bleachers and Concessions:** Temporary bleachers would be required to provide seating for spectators. Bleachers are readily available for rental and can be installed on a temporary basis for the tournament. Additionally, temporary concession operations would need to be contracted to service the attendees throughout the tournament.

The City continues discussions with the USTA, but they are contractually committed to Plantation for 2013. USTA remains open to continue discussions for 2014, but has expressed concerns that Flamingo Park does not have enough on-site parking or clay courts to meet their full need. As previously stated they would have to use both of the City's tennis facilities (Flamingo and North Shore), which is not ideal for them. It is likely that hotel room rates would need to be subsidized to meet the needs of the USTA. Hotel room subsidizes is not a common practice for events, but there are examples of room rebates that may be applied on the back-end to offset general costs. Arrangements would also need to be made between the City and USTA to address other accommodations such as bleachers and concessions, but these logistical requirements are relatively easy to address if negotiations progress.

## **CONCLUSION**

The City Administration is seeking direction from the NCAC.

JLM/KGB/MAS

F:\INFO\ALL\Max\TCD\Tourism\Orange Bowl NCAC Memo.doc



## 2012 ORANGE BOWL TENNIS TOURNAMENT ANALYSIS

### OCCUPANCY

<u>DATE</u>	<u>DAY</u>	<u>MIAMI-DADE</u>	<u>MIAMI BEACH</u>	<u>DOWNTOWN</u>	<u>COCNUT GROVE</u>	<u>CORAL GABLES</u>	<u>NORTH DADE</u>	<u>AIRPORT</u>
Nov.29	SAT	77.9%	67.8%	87.0%	74.2%	78.5%	85.8%	90.3%
Nov.30	FRI	82.0%	78.7%	86.0%	84.7%	77.8%	88.3%	89.8%
Dec.1	SAT	86.6%	86.2%	81.5%	88.3%	87.8%	93.7%	94.5%
Dec.2	SUN	76.4%	74.3%	74.4%	81.6%	74.1%	85.8%	85.4%
Dec.3	MON	79.5%	70.6%	81.8%	86.3%	83.4%	87.2%	90.1%
Dec.4	TUE	88.0%	84.3%	91.3%	93.5%	86.6%	93.0%	95.5%
Dec.5	WED	91.2%	91.7%	93.4%	93.9%	90.1%	92.5%	95.7%
Dec.6	THU	92.7%	94.5%	95.2%	95.5%	92.8%	93.7%	94.8%
Dec.7	FRI	91.7%	93.2%	91.3%	91.5%	91.5%	94.0%	94.6%
Dec.8	SAT	86.8%	87.1%	82.5%	92.4%	88.4%	90.6%	90.3%
Dec.9	SUN	72.4%	67.9%	79.6%	60.5%	63.5%	82.0%	84.7%
<b>AVG</b>		<b>84.1%</b>	<b>81.5%</b>	<b>85.8%</b>	<b>85.7%</b>	<b>83.1%</b>	<b>89.7%</b>	<b>91.4%</b>

### ROOM RATE

<u>DATE</u>	<u>DAY</u>	<u>MIAMI-DADE</u>	<u>MIAMI BEACH</u>	<u>DOWNTOWN</u>	<u>COCNUT GROVE</u>	<u>CORAL GABLES</u>	<u>NORTH DADE</u>	<u>AIRPORT</u>
Nov.29	SAT	\$149.43	\$204.01	\$169.75	\$147.04	\$139.97	\$82.83	\$100.12
Nov.30	FRI	\$162.36	\$229.39	\$179.08	\$150.90	\$133.62	\$85.18	\$99.33
Dec.1	SAT	\$166.45	\$234.84	\$169.96	\$154.60	\$138.96	\$88.13	\$103.84
Dec.2	SUN	\$160.34	\$218.28	\$176.45	\$152.03	\$143.56	\$84.44	\$102.27
Dec.3	MON	\$172.58	\$249.78	\$187.99	\$160.33	\$151.04	\$86.27	\$104.61
Dec.4	TUE	\$200.03	\$308.81	\$207.81	\$169.98	\$151.52	\$90.27	\$106.59
Dec.5	WED	\$228.53	\$368.44	\$220.35	\$176.74	\$159.33	\$92.39	\$109.49
Dec.6	THU	\$245.72	\$399.99	\$228.75	\$177.97	\$159.48	\$93.72	\$109.83
Dec.7	FRI	\$235.88	\$386.69	\$211.30	\$180.76	\$155.11	\$93.30	\$106.35
Dec.8	SAT	\$221.13	\$357.64	\$203.20	\$177.84	\$154.98	\$93.36	\$104.92
Dec.9	SUN	\$166.44	\$239.90	\$181.37	\$156.35	\$131.99	\$83.48	\$102.42
<b>AVG</b>		<b>\$191.72</b>	<b>\$290.71</b>	<b>\$194.18</b>	<b>\$164.05</b>	<b>\$147.23</b>	<b>\$88.49</b>	<b>\$104.52</b>

Art Basel Miami Beach Show dates

**Neighborhood/Community Affairs Committee Meeting**  
**July 29, 2013**

**Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies.**

Commission Item, C4Q, March 13, 2013

(Requested by Commissioner Weithorn)

Deferred from June 26, 2013 NCAC meeting

Jose Gonzalez, Manager Transportation Department

**ITEM #5**



## COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 29, 2013

SUBJECT: **DISCUSSION REGARDING BICYCLIST SAFETY CAMPAIGN WITH THE MIAMI BEACH POLICE DEPARTMENT, DECOBIKE, AND LOCAL BICYCLE RENTAL COMPANIES.**

This item was requested by Commissioner Weithorn and referred to the Neighborhoods/Community Affairs Committee for discussion.

### **BACKGROUND**

New census data shows that Miami Beach ranks tenth in the list of cities in the United States where people are most likely to use bicycles to commute to work. This national recognition is substantiated by the results of the City's Community Satisfaction Survey which documented that, in 2012, 11% of residents either walked or used a bicycle as their primary mode of transportation. In the South Beach area, this figure rose to 26%. The Community Satisfaction Survey further reflects that 48% of residents would be willing to use a bicycle as an alternative to a car. This figure is significantly higher than the 17% reported in 2009. By way of context, the national average for commuter bicycle trips is 0.56% and the figure is even lower for Miami-Dade County.

As a result of the number of cyclists currently traveling on the City's streets, sidewalks, and pedestrian pathways, the number of conflicts, violations, and accidents has also increased. Therefore, the City plans to launch a bicycle safety education campaign in advance of any active police enforcement of bicycle laws.

### **ANALYSIS**

The City has conducted bicycle safety campaigns in recent years, some in partnership with the Florida Department of Transportation (FDOT) and the University of Miami Bike Safe Program. The "No Gas No Problem" brochure (Attachment A) was prepared and distributed by the City's Transportation Division as part of a previous bicycle safety campaign. The brochure was useful in educating the community on the City's Atlantic Greenway Network and included relevant bicycle projects and initiatives at that time and "rules of the road" for bicyclists.

The City is currently airing ten (10) public service announcements (PSA) pertaining to bicycle safety on MBTV Channel 77. The following seven (7) PSAs on MBTV Channel 77 were sponsored by FDOT as part of various statewide bicycle safety education campaigns:

- Bike Safety- Keep Traffic Flowing
- Bike Safety- Obey Signs and Signals

- Bike Safety- Taking the Lane
- Bike Safety- The Law
- Bike Safety- Public Perception
- Bike Safety (For Kids)- Spanish
- Bike Safety (For Kids)- English

The PSAs are generally about 30 seconds in duration and focus on the rules of the road. In addition to the FDOT-sponsored PSAs, the City's Communications Department produced three (3) PSAs which are currently airing on MBTV Channel 77 and focus on the proper use of sharrows (shared-use lanes), community bicycling, and bicycling as a solution for traffic problems in Miami Beach.

In 2012, FDOT launched a statewide bicycle safety education campaign that included a synopsis of Florida Bicycle Laws (Attachment B). On April 3, 2013, FDOT and Public Works/Transportation Division hosted the FDOT Pedestrian/Bicyclist Roadway Safety Audit Training. The purpose of the two-day training was to educate state and local transportation officials and law enforcement officers in an effort to help lower the pedestrian and bicycle crash rates in the State of Florida. As part of this training, attendees conducted an on-site audit of pedestrian safety along Alton Road from 5<sup>th</sup> Street to Michigan Avenue.

As part of an initial phase of the City's bicycle safety campaign, the Miami Beach Police Department is currently disseminating an "Operation Cycle Safe" flyer (Attachment C) through social media networks and community outreach to home owner associations, condominium associations, and schools through its Neighborhood Resource Officers. The flyer identifies the five (5) bicycle laws most commonly violated in the City: Safe Passing Law, Helmet Law, Sidewalk Riding, Mandatory Use of Separated Facilities, and Bicycling Under the Influence.

### **NEXT STEPS**

In an effort to become a bicycle-friendly community, promote safe cycling, and reduce the number of accidents and violations involving cyclists throughout the City, the Transportation Division is working with the Miami Beach Police Department to plan and launch a second phase of that campaign over the coming months focused on bicycle safety and education. It is anticipated that the campaign will launch in Summer 2013 and last six (6) months in duration. The campaign will be launched in coordination with Police, Fire, Public Works, Communications, DecoBike, local bicycle rental companies, and the City's newly created Bicycle/Pedestrian Facilities Advisory Committee (BPFAC).

Through partnerships, sponsorships, and proper outreach, the City's campaign is intended to reach and educate all types of bicyclists in our community – commuter and recreational cyclists, students, residents, and visitors. During the summer, the City will explore opportunities to partner with schools, summer camps, and youth centers to educate children on bicycle safety. It is anticipated that the 6-month campaign will culminate in an interactive and educational bicycle safety camp open to the community at large. The City will work with Police, Communications, BPFAC, FDOT, and the County to plan, sponsor, and promote the interactive bicycle camp.

The Transportation Division will update its previous bicycle safety brochure to ensure that the information regarding bicycle projects and initiatives is current. The brochure will include the information in the "Operation Cycle Safe" flyer prepared by Police. The brochures will be

disseminated during the campaign by Police Neighborhood Resource Officers. The City will promote an educational bicycle safety campaign on its website, through social media networks, printed media, and on MBTV Channel 77. The Administration will present campaign materials to the bicycle committee for discussion and input and then bring back to NCAC.

### **CONCLUSION**

The above information is provided to the members of the NCAC for discussion and input.

KGB/ETC/JRG

F:\WORK\ALL\1) EMPLOYEE FOLDERS\Jose R. Gonzalez\NCAC\NCAC Memo - Discussion Regarding Bicyclist Safety Campaign.docx

Neighborhood/Community Affairs Committee Meeting  
July 29, 2013

**An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII Entitled "Standards Of Conduct," Division 2 Entitled "Officers, Employees, And Agency Members," By Amending Section 2-446 Thereof Entitled "Declaration Of Policy" To Provide For Limited Standards Of Conduct Applicable To The City's Special Masters, And Creating City Code Section 2-461 Establishing Special Master Lobbying Prohibitions; Providing For Repealer, Severability, Codification, And An Effective Date.**

Commission Item, C4F, April 17, 2013

(Requested by Commissioner Weithorn)

Deferred from NCAC June 26, 2013 meeting

Deborah Turner, City Attorney's Office

**ITEM #6**






MIAMI BEACH

OFFICE OF THE CITY ATTORNEY  
JOSE SMITH, CITY ATTORNEY

## COMMITTEE MEMORANDUM

**TO:** Members of the Neighborhood/Community Affairs Committee  
Jimmy Morales, City Manager

**FROM:** Jose Smith, City Attorney 

**DATE:** July 29, 2013

**SUBJECT:** An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII Entitled "Standards Of Conduct," Division 2 Entitled "Officers, Employees, And Agency Members," By Amending Section 2-446 Thereof Entitled "Declaration Of Policy" To Provide For Limited Standards Of Conduct Applicable To The City's Special Masters, And Creating City Code Section 2-461 Establishing Special Master Lobbying Prohibitions; Providing For Repealer, Severability, Codification, And An Effective Date.

---

Pursuant to a referral by Commissioner Deede Weithorn at the April 17, 2013 City Commission meeting, the attached Ordinance is submitted for review and consideration by the Neighborhood/Community Affairs Committee. In an effort to promote good government practices and standards, the proposed amendments to Chapter 2, Article VII, Division 2 of the Miami Beach City Code will prohibit the Chief Special Master and Special Masters from lobbying City personnel during their City service and will also prohibit their lobbying before the Chief Special Master or Special Masters for a period of one year following cessation of their City service. In order to address the City's need to attract the most capable and best persons to serve as the Chief Special Master and as Special Masters, a limited lobbying exception is provided in the Ordinance.

As noted in the proposed Ordinance, the City's Chief Special Master and all Special Masters are similar to judges and are tasked with important decision making authority on code enforcement and historic preservation matters which require them to be impartial and adhere to the highest ethical standards in performing their duties.

JS/DT/mmd



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2 ENTITLED "ADMINISTRATION," ARTICLE VII ENTITLED "STANDARDS OF CONDUCT," DIVISION 2 ENTITLED "OFFICERS, EMPLOYEES, AND AGENCY MEMBERS," BY AMENDING SECTION 2-446 THEREOF ENTITLED "DECLARATION OF POLICY" TO PROVIDE FOR LIMITED STANDARDS OF CONDUCT APPLICABLE TO THE CITY'S SPECIAL MASTERS, AND CREATING CITY CODE SECTION 2-461 ESTABLISHING SPECIAL MASTER LOBBYING PROHIBITIONS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the Chief Special Master and Special Masters for the City of Miami Beach that hear code enforcement matters for the City are appointed pursuant to Article II of Chapter 30 of the City Code and the City's Historic Preservation Special Master is appointed pursuant to Section 118-537 of the City Code; and

**WHEREAS**, much like Judges, the City's Chief Special Master and all other City Special Masters are tasked with important decision-making authority on code enforcement or historic preservation matters which require them to be impartial and to adhere to the highest ethical standards in performing their duties.

**NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.**

That Chapter 2, Article VII, Division 2 of the Miami Beach City Code is hereby amended in part to read as follows:

**Chapter 2**

**ADMINISTRATION**

\* \* \*

**Article VII. STANDARDS OF CONDUCT**

\* \* \*

**Division 2. Officers, Employees, and Agency Members and Special Masters.**

## **Sec. 2-446. - Declaration of policy.**

It is the policy of the city commission that no officer or employee of the city, or any of its agencies or subdivisions, and no member of the city commission, shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction, or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of his duties in the public interest. To implement such policy and strengthen the faith and confidence of the people of the city in their government, there is enacted a code of ethics, setting forth standards of conduct to be observed by all city officers and employees, and limited standards of conduct to be observed by the City's Chief Special Master and Special Masters as expressly set forth herein, in the performance of their official duties. It is the intent of the city commission that this code shall serve not only as a guide for official conduct of public servants in this city, but also as a basis for discipline of those who violate the provisions of this article.

\* \* \*

## **2-461. Special Masters: Lobbying Prohibitions.**

(a) In addition to lobbying restrictions imposed by City resolution, those lobbying restrictions in City Code sections 2-26 (prohibiting City Board members from lobbying before the Board they served on for one year following cessation of service thereon) and 2-459 (prohibiting City Board members from lobbying City personnel during their City service) shall likewise apply to the City's Chief Special Master and the Special Masters (except for those provisions set forth in Code sections 2-459(b)(1) and (2)). All such references in those City Code sections to City Agency, Board or Committee members shall apply to the Chief Special Master and the Special Masters, thus prohibiting the Chief Special Master and the Special Masters from:

1. Directly or indirectly lobbying during one's tenure as a Chief Special Master or a Special Master (per Code section 2-459); and
2. Lobbying before a Chief Special Master or a Special Master for one year after leaving City service (per Code section 2-26).

(b) This section shall not apply to persons serving as the City's Chief Special Master or Special Master as of the date of the adoption of this Code language, and who entered into a lobbying contract prior to the effective date of Ordinance No. \_\_\_\_\_ (effective \_\_\_\_\_, 2013). Any person appointed or reappointed as the Chief Special Master or as a Special Master after the effective date of Ordinance No. \_\_\_\_\_ shall be subject to the provisions therein.

(c) The validity of any action or determination of the Chief Special Master or of a Special Master, or related action of the City, shall not be affected by the failure to comply with the provisions of this section.

(d) Exceptions to subsection (a) of this Section shall only be permitted if it is determined by the City Commission that:

1. The Chief Special Master or Special Master possesses unique knowledge, experience or expertise not otherwise available in another person such that his or her continued service is in the City's best interests; and
2. Such lobbying activities are limited to no more than one matter per term of office.

## **SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

## **SECTION 3. SEVERABILITY.**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

## **SECTION 4. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

## **SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect the \_\_\_\_\_ day of April, 2013.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of April, 2013.

**ATTEST:**

\_\_\_\_\_  
MATTI HERRERA BOWER  
MAYOR

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

(Sponsored by Commissioner Deede Weithorn)

Underline denotes additions and ~~strike through~~ denotes deletions

F:\ATTO\TURN\ORDINANC\Special Master Lobbying Prohibition.1.docx

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

7/21/13  
\_\_\_\_\_  
Date

Neighborhood/Community Affairs Committee Meeting  
July 29, 2013

**Discussion Regarding Miami Beach Mass Transit Loop And Transit Enhancement For  
North Beach And Middle Beach Circulator**  
Commission Item  
(Requested by Commissioner Libbin)

Jose Gonzalez, Transportation Manager

**ITEM #7**

Neighborhood/Community Affairs Committee Meeting  
July 29, 2013

**Discussion To Consider A New False Claims Ordinance (Whistle Blower).**

Commission Item C4F May 8 2013

(Requested by Commissioner Libbin)

*Discussion Only No Memo*

Donald Papy, Legal Department

**ITEM #8**



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

Date: July 29, 2013

SUBJECT: **DISCUSSION REGARDING MIAMI BEACH MASS TRANSIT LOOP AND TRANSIT ENHANCEMENT FOR NORTH BEACH AND MIDDLE BEACH CIRCULATOR**

This item was discussed at the City Commission meeting on April 17, 2013 and subsequently requested by Commissioner Libbin for discussion at the Neighborhoods/Community Affairs Committee (NCAC) meeting on April 29, 2013. This item was previously discussed at the Joint Neighborhoods/Community Affairs and Land Use and Development Committee meeting on March 19, 2013.

### **BACKGROUND**

At the April 29, 2013 meeting of the NCAC, the Committee recommended that the Administration review previous transportation studies related to a Middle and North Beach Circulator to explore if any recommendations from those studies remain viable. Further, staff was directed to return to the Committee, report its findings and advise as to options for a Middle/North Beach Circulator.

Previously, at the March 19, 2013 joint meeting of the NCAC and the Land Use and Development Committee (LUDC), City staff presented a concept for a North-Mid Beach Circulator that was developed as part of a recent planning study conducted by Gannett Fleming, Inc. for the City through a grant from the Miami-Dade Metropolitan Planning Organization (MPO). The recommended circulator route proposed to connect the SR A1A/Collins Avenue high density corridor to the City's commercial corridors along Normandy Drive/71<sup>st</sup> Street and Arthur Godfrey Road/41<sup>st</sup> Street. The circulator would serve the North and Middle Beach Condominium corridor and connect to the South Beach Local (Attachment A).

The Committee expressed a desire to extend circulator service to areas that would not be served by the North-Middle Beach Circulator concept developed by the Gannett Fleming team. The Committee recommended that the Administration pursue the analysis of two independent circulator routes, one serving North Beach and one serving Middle Beach.

At the joint meeting, the Committee also recommended that the City coordinate with Miami-Dade Transit (MDT) for the provision of an express bus route along Collins Avenue as part of the County's ongoing transit service evaluation study. The recommended MDT express bus route along Collins Avenue would serve to connect the proposed independent North Beach and Middle Beach Circulators to the South Beach Local via an express north-south service.

**UPDATE SINCE THE APRIL 29, 2013 NCAC MEETING**

Pursuant to the Committee's request, City staff has conducted a review of over a dozen transportation studies in Miami Beach completed in recent years. Three studies in particular included recommendations for transit circulator service in the Middle and North Beach communities. The three transit studies identified were the following:

- Coastal Communities Transit Plan (2007)
- Miami Beach Municipal Mobility Plan (1999)
- Miami Beach Intermodal Feasibility Study (2000)

Below is a succinct summary of each relevant transit study.

**Coastal Communities Transit Plan (CCTP)**

The CCTP was completed in 2007 by the Center for Urban Transportation Research (CUTR) at the University of South Florida for Miami-Dade Transit (MDT) and the City of Miami Beach. The goal of the planning level study consisted of analyzing existing transit service along several coastal communities, including Miami Beach, consolidating transit service along Collins Avenue with the purpose of providing more efficient and effective service, reallocating resources to serve other areas in need of transit and identifying locations and criteria for major transit transfer hubs.

To achieve this goal, the study concentrated on creating high-capacity transit service along Collins Avenue comprised of two routes, one route would be a frequent-stop local service and the other an express/limited-stop service.

East/West regional bus connections were proposed along each Causeway (excluding Venetian Causeway). These routes would be truncated at Collins Avenue and connect to one of the two routes proposed along Collins Avenue.

The study proposed modifications to multiple existing bus routes, including the South Beach Local, and recommended the implementation of new bus routes, including circulator service in North Beach (Figure 1), Middle Beach (Figure 2), and direct bus service from Miami International Airport to Miami Beach. It is important to note that the CCTP was a planning level study and did not include any modeling or ridership forecasting analysis as part of its scope.

As a result of this study, the following bus service modifications were implemented by MDT among numerous others changes to bus service in the City of Miami Beach:

- Modified Route 123/South Beach Local extension to Collins Park and Belle Isle (Attachment B)
- Implemented Route 115/117 (Mid-North Beach Connection) (Figure 3)
- Implemented Route 150 (Airport Flyer)

The CCTP also recommended Park & Ride facilities at the following locations:

- 5<sup>th</sup> Street and Alton Road
- Mount Sinai Hospital campus





Fig. 1: CCTP North Beach Circulator

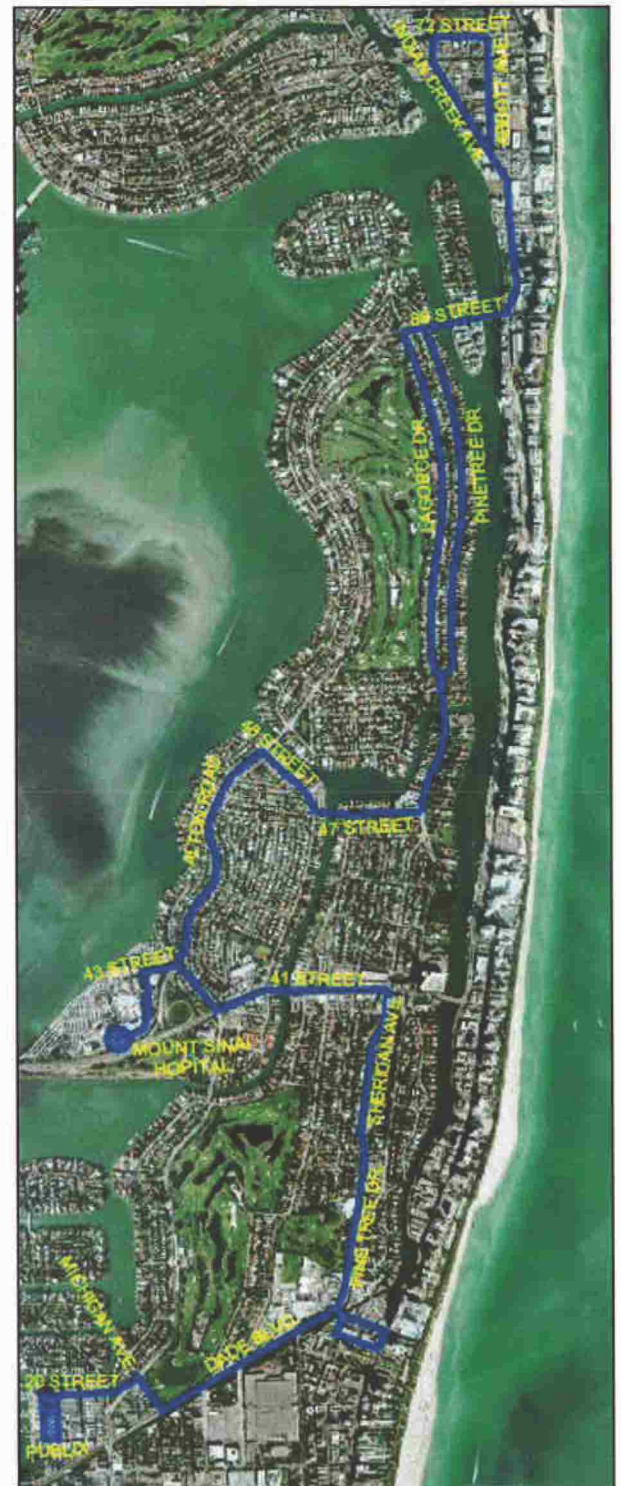


Fig. 2: CCTP Middle Beach Circulator



**Fig. 3: MDT Routes 115 and 117 (Mid-North Beach Connection)**



*Miami Beach Municipal Mobility Plan (MMP)*

The MMP was completed by the City and adopted by Commission in 1999. The objectives of the MMP were the following:

- To address the future transportation needs of the City (15-year horizon)
- To provide a snapshot of transportation issues and trends which will impact the City
- To identify strategies to help the City establish a course of action to address the transportation opportunities

The MMP identified 43 distinct transportation and transit projects in the City, including circulator services for both North Beach and Middle Beach. Approximately 76% of the proposed MMP projects are complete, in construction, or design at this point.

Five (5) of the projects identified in the MMP were transit projects. The transit projects are the following:

- North Beach Community Shuttle Expansion  
Status: Currently MDT Routes 115 and 117 serve North and Middle Beach. Service is explained in this memo, the City is analyzing the existing routes in an effort to improve service.
- Middle Beach Community Shuttle Expansion  
Status: Currently MDT Routes 115 and 117 serve North and Middle Beach. Service is explained in this memo, the City is analyzing the existing routes in an effort to improve service.
- East-West Transit Corridor  
Status: Study scope was approved at the Miami Dade Metropolitan Planning Organization (MPO). The MPO will assign the study to one of the firms in their rotational list.
- South Beach Intermodal Facility  
Status: An intermodal facility was planned as part of the 5<sup>th</sup> Street and Alton Road development. The City will re-analyze this concept for feasibility under the current building design.  
Status: The Mt. Sinai Hospital facility will also be analyzed for feasibility based upon current conditions.

*Miami Beach Intermodal Feasibility Study*

This study was completed by the City in 2000. The goal of the study was to identify potential sites throughout the City for an intermodal facility intended to accommodate the Electrowave service, MDT bus service, potential City circulator service in the North Beach and Middle Beach communities, future light rail, water taxi, and bicycle/pedestrian connections.

Eleven (11) sites throughout the City were identified as potential locations for an intermodal facility. Although no recommendations from the study have been implemented, the following three (3) locations identified in the study as appropriate sites for an intermodal facility remain viable to some extent:

- Convention Center Parking Lot  
Status: The possibility of including an intermodal facility or advanced transit hub as part of the proposed Convention Center Design was discussed with the development team. It is in the City's best interest that this facility is able to accommodate multiple bus stops and be capable to accommodate future rail connection.
- 17<sup>th</sup> Street and Washington Avenue  
Status: Still being contemplated as part of the Convention Center redevelopment
- 5<sup>th</sup> Street and Alton Road  
Status: As previously discussed

## ANALYSIS

Staff conducted a preliminary comparison between the North Beach Circulator route recommended in the CCTP and the current MDT Route 115/117 bus service implemented as a result of the CCTP. The comparison is depicted in the table below.

PARAMETERS	CCTP North Beach Circulator	CCTP Middle Beach Circulator	Current MDT Route 115/117 (Mid-North Beach Connection)
Limits	Bal Harbor Shops on the North, North Beach Residential Zone, 71st Street Commercial Corridor, and 69th Street Publix	72 <sup>nd</sup> Street on the North to Sunset Harbour neighborhood on the south, including former Miami Heart Institute, Mt. Sinai Hospital, and 41 <sup>st</sup> Street	From the City Limits (88 Street) to 17th Street, while serving the Alton Road residential corridor, Central Bayshore Neighborhood, and the Mount Sinai Hospital
Service Span	Phase I: 16 hours Phase II: 18 hours	Phase I: 16 hours Phase II: 18 hours	15 hours (6:20AM – 9:20PM)
Route Length (One-Way)	9.1 miles	8.2 miles	15.839 miles
One-Way Running Time	41 minutes	41 minutes	1 hour and 20 minutes
Headways	Phase I: 40 minutes Phase II: 20 minutes	Phase I: 40 minutes Phase II: 20 minutes	45 minutes south of 63 <sup>rd</sup> St 22 minutes north of 63 <sup>rd</sup> St
Fleet	Phase I: 3 32-foot buses Phase II: 5 32-foot buses	Phase I: 3 32-foot buses Phase II: 5 32-foot buses	2 buses in each route
Annual Ridership (FY12)	N/A (Not in Service)	N/A (Not in Service)	Approximately 330,000
Annual O&M Cost	Phase I: \$1.9 Million (2007) Phase II: \$4.3 Million (2007)	Phase I: \$1.9 Million (2007) Phase II: \$4.2 Million (2007)	\$1.25 Million (FY13)

As part of its restructuring and cost savings initiative, MDT is considering eliminating numerous circulator and connection services throughout the County. Due to extended headways and span of service, as well as minimal ridership on Route 115/117, this route may be eliminated. However, staff believes that if modifications to the route can be made to make it more successful, the City may be able to save this service.

Based on the preliminary comparison of the CCTP North Beach Circulator and MDT Route 115/117, City staff developed proposed revisions to the CCTP North Beach Circulator in an effort to improve route connectivity and increase service area coverage (Figure 4). With the proposed truncations and extensions to the CCTP North Beach Circulator route, the circulator would serve a larger market in the North Beach community than the current MDT Route 115/117. However, further analysis and route refinement is needed to develop the optimal route for a circulator in North Beach. The optimal route would also need to comply with acceptable headways (15 min. to 20 min.) to ensure its success.

Given the low transit ridership in the Middle Beach area (1% according to the City of Miami Beach Community Survey Final Report), City staff believes that a more in-depth analysis and coordination with MDT is needed to determine if the area would be served appropriately by the proposed grid system. The critical service points in this area, Mt. Sinai Hospital and the 41<sup>st</sup> Street Corridor, would be covered by the MDT regional service and would connect to the Collins Avenue service.





Fig. 4: CCTP North Beach Circulator with Preliminary Revisions

### **RECOMMENDATION**

In order to pursue the recommendation of the Committee to evaluate alternatives for two independent circulator routes and an express north-south bus service along SR A1A/Collins Avenue corridor, the Administration recommends the following approach:

1. The Administration will continue to coordinate with MDT regarding its on-going comprehensive evaluation of County bus routes in order to have a better understanding of how a new grid-based bus service may impact the City and the Middle and North Beach communities in particular. As part of the coordination with MDT, and if directed by the Committee, City staff would request that MDT evaluate the City's proposed North Beach Circulator alternative. The City would request that MDT redirect its resources currently applied to Route 115/117 (Mid-North Beach Connection) to the proposed North Beach Circulator as part of its restructuring effort.
2. In addition, the City will coordinate with MDT to include an express north-south enhanced bus service along the SR A1A/Collins Avenue corridor as part of its restructuring efforts.
3. The City will coordinate with MDT to evaluate the level of service provided in Middle Beach by the MDT restructured routes and determine the need for a Middle Beach Circulator.

It should be noted that if MDT will not fund the North Beach Circulator or if funding is needed for the South Beach Local, there is potential funding available from the Quality of Life (QOL) portion of resort tax funds. Currently the QOL funds are split into 4 categories, North Beach, Middle Beach, South Beach, and Arts. QOL funds are projected to generate approximately \$1.35 million per category in FY2012/13.

If a fifth category was created for circulators in tourism eligible areas, this would result in approximately \$ 1 million per category. While not all portions of the route of a North Beach or Middle Beach Circulators would be tourism eligible, funding could be swapped with the South Beach Local to result in \$ 1 million being available regardless of the route.

Depending on the outcome of the coordination with MDT and upon direction from the Committee, the Administration would engage one of its transportation planning and traffic engineering firms to conduct a service planning analysis for a North Beach Circulator. The analysis would include route modeling, ridership forecasting, procurement options, and cost analysis. Funding for this effort would be from FY 2012/13 and FY 2013/14 PTP funds.

### **CONCLUSION**

This item is being presented to the Neighborhoods/Community Affairs Committee (NCAC) for discussion and further direction.

Attachments:

Attachment A: Service Details for Service Proposed by MPO Grant Study

Attachment B: Current South Beach Local Route.

KGB/ETC/JRG



- 88th Street

71st Street

# 41st Street

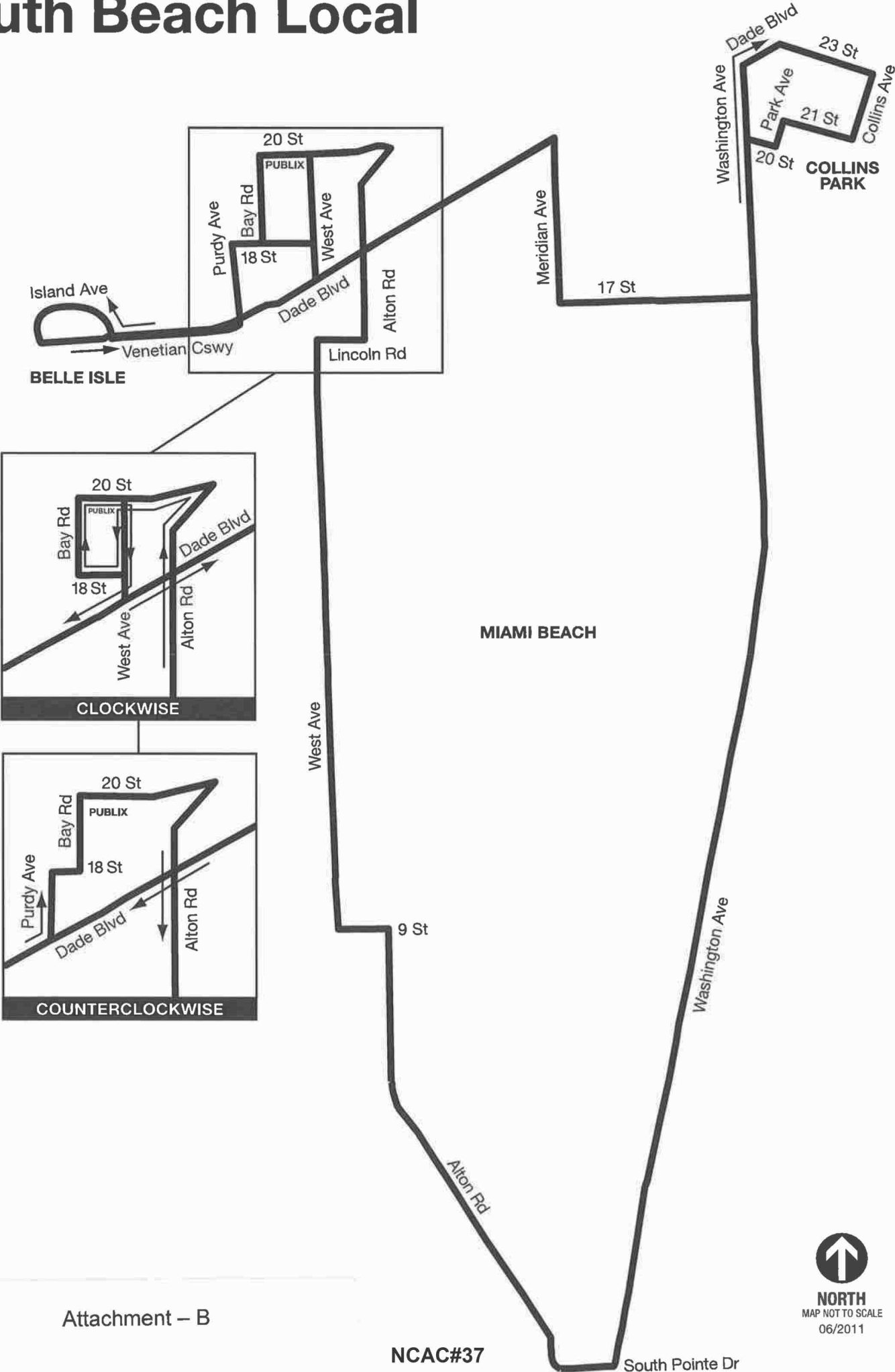
17th Street

Scenario	Capital Costs	Annual Operating & Maintenance Costs
MDT Operates Service <sup>1</sup>	2,169,000	3,160,000
Miami Beach Operates Service <sup>2</sup>	2,169,000	1,382,000
Turnkey operation by private vendor <sup>3</sup>	2,169,000	1,655,000





# South Beach Local



## **PRESENTATION AT COMMITTEE MEETING**

**Miami Beach, Florida, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> Chapter 70 - MISCELLANEOUS OFFENSES >> ARTICLE V. - FALSE CLAIMS ORDINANCE >>**

---

**ARTICLE V. FALSE CLAIMS ORDINANCE**

Sec. 70-300. - Short title; purpose.

Sec. 70-301. - Definitions.

Sec. 70-302. - Certification of claims.

Sec. 70-303. - Liability for false claims; penalties.

Sec. 70-304. - Intervention by third parties in civil actions for false claims.

Sec. 70-305. - Rights of the parties in civil actions.

Sec. 70-306. - Awards to plaintiffs bringing action.

Sec. 70-307. - Expenses; attorney's fees and costs.

Sec. 70-308. - Exemptions to civil actions.

Sec. 70-309. - Protection for participating employees.

Sec. 70-310. - Burden of proof; presumption of false claim.

Sec. 70-311. - Innocent claimant affirmative defense.

Sec. 70-312. - Construction and severability of provisions.

Secs. 70-313—70-399. - Reserved.

**Sec. 70-300. Short title; purpose.**

- (a) This article shall be known and may be cited as the city false claims ordinance.
- (b) The purpose of the city false claims ordinance is to deter persons from knowingly causing or assisting in causing the city to pay claims that are false, fraudulent, or inflated, and to provide remedies for obtaining treble damages and civil penalties for the city when money is sought or obtained from the city by reason of a false claim;
- (c) The provisions of this article are not exclusive, and the remedies provided for in this article shall be in addition to any other remedies provided for in any other law, or available under common law, or otherwise.
- (d) This article shall be liberally construed and applied to promote the public interest.

(Ord. No. 2003-3398, § 1, 2-26-03)

**Sec. 70-301. Definitions.**

The following terms and phrases when used in this article shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

*Bid takeoff* means the final estimate, tabulation, or worksheet prepared by the contractor in anticipation of the bid submitted, and which shall reflect the final bid price.

*Claim* means any invoice, statement, request, demand, lawsuit, or action under contract or otherwise, for money, property, or services made to any employee, officer, or agent of the city, or to any contractor, grantee, or other recipient if any portion of the money, property, or services required or demanded was issued from, or was provided by, the city (hereinafter "city funds").

*Claimant* means any person or entity (including all officers, directors, employees or agents thereof who authorize, or participate) that brings, submits, files, maintains, or pursues a claim against the city or the city redevelopment agency.

*City* means the government of Miami Beach or any department, division, bureau, section, commission, planning agency, board, district, authority, agency, or instrumentality of the city, including the city redevelopment agency.

*Extended overhead* means the amount of a claim relating to an increase in overhead costs resulting from a delay in contract performance that is not compensated by a markup of direct costs.

*Knowing or knowingly* means that a person, with respect to information:

- (1) Has actual knowledge of the information;
- (2) Acts in deliberate ignorance of the truth or falsity of the information; or
- (3) Acts in reckless disregard of the truth or falsity of the information.

No proof of specific intent to defraud is required. However, innocent mistake shall be a defense to an action under this article.

*Overhead per diem* means the amount calculated by dividing the total overhead costs set forth in the final bid takeoff by the number of days for substantial completion of the work set forth in the contract.

*Person* means any natural person, corporation, firm, association, organization, partnership, limited partnership, agency, limited liability company, business, trust, attorney at law, or other similar individuals, firms, associations, or agency.

(Ord. No. 2003-3398, § 1, 2-26-03)

## **Sec. 70-302. Certification of claims.**

- (a) Upon the request of the city, the person submitting a claim shall, within 30 calendar days, including Saturdays, Sundays, and legal holidays, submit a certified claim as defined by this section. A "certified claim" shall be made under oath by a person duly authorized by the claimant, and shall contain a statement that:

- (1) The claim is made in good faith;
- (2) The claims' supporting data are accurate and complete to the best of the person's knowledge and belief;
- (3) The amount of the claim accurately reflects the amount that the claimant believes is due from the city;
- (4) The person certifying the claim has personally reviewed all supporting data; and
- (5) The certifying person is duly authorized by the claimant to certify the claim.
- (6) Further, all certified claims shall contain the following statement directly above the signature line of the certifying person, in 12 point bold type:

Any person who knowingly presents or causes to be presented, to the City a false or fraudulent claim for payment or approval or uses or causes to be made or used a false record or statement, or conspires to get a false, fraudulent or inflated claim paid by the City, or delivers, with the intent to defraud, goods or services of different quality than specified, or executes a receipt of property used or to be used by the City without completely knowing that the information on the receipt is true, or knowingly makes,

uses or causes to be made or used a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the City, shall be liable to the City for an amount equal to three (3) times that part of the claim which is false, fraudulent, or inflated, plus all costs and fees incurred by the City. Any person found to have submitted a false claim shall immediately, fully and irrevocably forfeit the entire amount of the claim and be subject to debarment from City contracting for a period of five (5) years. Liability shall be joint and several for any act committed by two (2) or more persons.

- (b) Failure to provide the required certification within the prescribed 30-day period shall constitute a forfeiture of the entire claim.

(Ord. No. 2003-3398, § 1, 2-26-03)

### **Sec. 70-303. Liability for false claims; penalties.**

- (a) The following action(s) shall constitute a violation of this article:
- (1) Any person who knowingly presents or causes to be presented to the city or to any officer, employee, agent or consultant of the city, a false or fraudulent claim for payment or approval;
  - (2) Any person who knowingly makes, uses, or causes to be made or used, a false record or statement to get a false, fraudulent, or inflated claim paid or approved by the city;
  - (3) Any person who conspires to defraud the city by facilitating the payment of a false, fraudulent, or inflated claim allowed or paid by the city;
  - (4) Any person who delivers, with the intent to defraud the city, goods or services of different quality or quantity than that specified in the applicable contract or specification;
  - (5) Any person who is authorized to make or deliver a document certifying receipt of property used, or to be used, by the city and, intending to defraud the city, makes or delivers the receipt without completely knowing that the information on the receipt is true;
  - (6) Any person who knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer, employee, or agent of the city who lawfully may not sell or pledge the property; or
  - (7) Any person who knowingly makes, uses, or causes to made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the city.
- (b) Any beneficiary of an inadvertent submission of a false claim to the city, who subsequently discovers the falsity of the claim, and who fails to disclose the falsity of the claim to the city within 30 days of discovering the error, shall also be found to have submitted a false claim to the city.
- (c) Any person found to have submitted a false claim to the city shall:
- (1) Be liable to the city for an amount equal to three times that part of the claim which is false, fraudulent, or inflated;
  - (2) Immediately, fully, and irrevocably forfeit the entire amount of the claim;
  - (3) Be liable to the city for all costs and fees (including, without limitation, reasonable legal, expert, and consulting fees) incurred by the city to review, defend, evaluate and or litigate or arbitrate the false claim; and
  - (4) Be subject to debarment from city contracting pursuant to chapter 2, division 5, subsection 2-406(b)(3) of this Code for a period of five years. Additionally, any person

who certified a claim later found to be false shall be subject to debarment from city contracting for a period of two (2) to five (5) years. Debarment under this article may be granted by a court of competent jurisdiction as part of the relief requested in the complaint filed with the court.

- (d) Liability under this section shall be joint and several for any act committed by two or more persons.

(Ord. No. 2003-3398, § 1, 2-26-03)

### **Sec. 70-304. Intervention by third parties in civil actions for false claims.**

- (a) The city manager, or his designee, may investigate a violation under section 70-303. If the city manager or his designee finds that a person has violated or is violating section 70-303, he or she may bring a civil action against the person on behalf of the city and shall inform the commission of the action to be taken.
- (b) A resident of the city or person in privity of contract under which the false claim was made may bring a civil action for a violation of section 70-303 for the person and for the city. Civil actions instituted under this article shall be governed by the Florida Rules of Civil Procedure and shall be brought in the name of the city.
  - (1) The complaint shall be identified on its face as a qui tam action and shall be filed under seal in the circuit court of the Eleventh Judicial Circuit, in and for Miami-Dade County. Immediately upon filing of a complaint by a person, a copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the city manager and city attorney by registered mail, return receipt requested. The city manager may elect to proceed with the action, in lieu of the qui tam plaintiff, on behalf of the city, within 180 days after he or she receives both the complaint and the material evidence and information.
  - (2) The city manager, for good cause shown, may petition the court to extend the time during which the complaint remains under seal under subsection (1). Any such motion may be supported by affidavits or other submissions in camera. The defendant is not required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon the defendant in accordance with law.
  - (3) Before the expiration of the 180-day period or any extensions obtained under subsection (2), the city manager shall:
    - a. Proceed with the action, in which case the action is conducted by the city attorney on behalf of the city; or
    - b. Notify the court that the city declines to take over the action, in which case the person bringing the action has the right to conduct the action.
  - (4) When a person files an action under this section, no person other than the city manager on behalf of the city may intervene or bring an action under this article based on the facts underlying the pending action.

(Ord. No. 2003-3398, § 1, 2-26-03)

### **Sec. 70-305. Rights of the parties in civil actions.**

- (a) If the city manager, on behalf of the city, elects to proceed with the action, he or she has the primary responsibility for prosecuting the action, and is not bound by any prior or subsequent act(s) of the person bringing the action. The city may also voluntarily dismiss the action notwithstanding the objections of the person bringing the action.
- (b)

If the city manager elects not to proceed with the action and does not voluntarily dismiss the action, the person bringing the action has the right to conduct the action. If the city manager so requests, he or she shall be served with copies of all pleadings and motions filed in the action and copies of all deposition transcripts. When the person bringing the action proceeds with the claim, the court may permit the city to take over the action on behalf of the city at a later date upon a showing of good cause.

- (c) Nothing in this article shall be construed to limit the authority of the city or the qui tam plaintiff, proceeding pursuant to subsection 70-304(2), to compromise a claim brought in a complaint filed under this article if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances.

A civil action under this article may not be brought:

- (1) More than five years after the date when the facts material to the right of action are known or reasonably should have been known by the city official charged with the responsibility to act in the circumstances, but in no event more than seven years after the date on which the violation of section 70-303 is committed, whichever occurs last; or
- (2) In the event any person files a civil action which contains false claims, in whole or part, the city may pursue its remedies by counterclaim without the limitations of subparagraph (1) hereinabove.

(Ord. No. 2003-3398, § 1, 2-26-03)

## **Sec. 70-306. Awards to plaintiffs bringing action.**

- (a) If the city proceeds with and prevails in an action brought by a person under this article, except as provided in subsection (b), the court shall order the distribution to the person of ten percent of the proceeds recovered under any judgment obtained by the city in an action under section 70-303 or of the proceeds of any settlement of the claim.
- (b) If the city proceeds with an action which the court finds to be based primarily on disclosures of specific information, other than that provided by the person initiating the action, relating to allegations or transactions in a criminal, civil, or administration hearing; a legislative, administrative, or inspector general report, hearing, audit, or investigation; or from the news media, the court may award such sums as it considers appropriate, but in no case more than five percent of the proceeds recovered under a judgment or received in settlement of a claim under this article, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation.
- (c) If the city does not proceed with an action under this article and does not voluntarily dismiss the action pursuant to subsection 70-305(a), the person bringing the action or settling the claim shall receive 25 percent of the proceeds recovered under a judgment rendered in an action under this article or in settlement of a claim under this article, with the balance going to the city.
- (d) Any payment under this section to the person bringing the action shall be paid only out of the proceeds recovered from the defendant.
- (e) Whether or not the city proceeds with the action, if the court finds that the action was brought by a person who planned, initiated, or furthered the violation of section 70-303 upon which the action was brought, the person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the city to continue the action.

(Ord. No. 2003-3398, § 1, 2-26-03)



### **Sec. 70-307. Expenses; attorney's fees and costs.**

- (a) If the city initiates an action under this article or assumes control of an action brought by a person under this article, and the city prevails in such action, the city shall be awarded its reasonable attorney's fees, expenses, and costs.
- (b) If the court awards the person bringing the action proceeds under this article, the person shall also be awarded an amount for reasonable attorney's fees and costs. Payment for reasonable attorney's fees and costs shall be made from the recovered proceeds before the distribution of any award.
- (c) If the city does not proceed with an action under this article and the defendant is the prevailing party, the court shall award the defendant reasonable attorney's fees and costs against the person bringing the action.
- (d) No liability shall be incurred by the city for any expenses, attorney's fees, or other costs incurred by any person in bringing or defending an action under this article, except as otherwise specifically provided by law.

(Ord. No. 2003-3398, § 1, 2-26-03)

### **Sec. 70-308. Exemptions to civil actions.**

- (a) In no event may a person bring an action under section 70-303 based upon allegations or transactions that are the subject of a civil action or an administrative proceeding in which the city is already a party.
- (b) No court shall have jurisdiction over an action brought under this article based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing; in a legislative, administrative, or inspector general report, hearing, audit, or investigation; or from the news media, unless the action is brought by the city, or unless the person bringing the action is an original source of the information. For purposes of this subsection, the term "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the city manager before filing an action under this article based on the information and who is not an employee or agent of the city.
- (c) No court shall have jurisdiction over an action where the person bringing the action under section 70-303 is:
  - (1) Acting as an attorney for the city; or
  - (2) An employee or former employee of the city, and the action is based, in whole or in part, upon information obtained in the course or scope of city employment.
- (d) No court shall have jurisdiction over an action where the person bringing the action under section 70-303 obtained the information from an employee or former employee of the city.

(Ord. No. 2003-3398, § 1, 2-26-03)

### **Sec. 70-309. Protection for participating employees.**

Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms or conditions of employment by his or her employer because of lawful acts done by the employee in furtherance of an action under this article, including investigation for, testimony for, or assistance in an action filed or to be filed under this article, shall have a cause of action under F.S. § 112.3187.

(Ord. No. 2003-3398, § 1, 2-26-03)

**Sec. 70-310. Burden of proof; presumption of false claim.**

- (a) Whenever practicable, bid specification for city contracts shall contain a requirement that the successful bidder maintain, as a condition precedent to submitting a claim against the city, a final bid takeoff. The final bid takeoff shall contain a line item for allocation of overhead costs.
- (b) Upon request from the city, a contractor making a claim against the city for delay or other damages shall submit, within 20 days, a copy of the final bid takeoff, certified pursuant to this subsection. Failure to provide the requested certification shall constitute a forfeiture of the claim for delay or other damages. The certification shall be submitted under oath by a person fully authorized by the claimant and shall contain a statement that:
  - (1) The final bid takeoff was prepared contemporaneously with the bid and in anticipation of the bid for the project;
  - (2) The contractor relied on the final bid takeoff to prepare the bid and the original schedule of values; and
  - (3) The final bid takeoff has not been altered in any way.
- (c) Any claim for extended overhead cost that exceeds, on a per diem basis, more than ten percent of the overhead per diem contained in the final bid takeoff shall be presumed to be a false claim, and the contractor shall have the burden of proving that any such claim for extended overhead is not false.

(Ord. No. 2003-3398, § 1, 2-26-03)

**Sec. 70-311. Innocent claimant affirmative defense.**

The provisions of this article shall not apply if the claimant can demonstrate, by the greater weight of the evidence, each of the following facts:

- (1) The claimant submitted or caused to have submitted the claim to or against the city reasonably believing that such claim was free of any material misstatements, or any exaggerated, inflated, or unsubstantiated assertions or damages;
- (2) The claimant had no reasonable basis to doubt the truth, veracity, or accuracy of such claim at the time it was submitted;
- (3) Prior to submitting the claim, the claimant diligently investigated the facts underlying such claim and prepared the claim in a reasonable manner given all the relevant information available; and
- (4) When information indicating that any element, statement, or allegation in the claim was false or misleading first became available, such claimant, with five business days of discovering the falsity of the claim, took immediate steps to modify, correct, or withdraw such claim and provided the city with immediate notice thereof.

(Ord. No. 2003-3398, § 1, 2-26-03)

**Sec. 70-312. Construction and severability of provisions.**

- (a) This article shall be liberally construed to effectuate its remedial and deterrent purposes.
- (b) If any provision of this article or its application to any particular person or circumstance is held invalid, that provision or its application is severable and does not affect the validity of other provisions or applications of this article.

(Ord. No. 2003-3398, § 1, 2-26-03)

**Secs. 70-313—70-399. Reserved.**

Neighborhood/Community Affairs Committee Meeting  
July 29, 2013

**Discuss A Potential Public Basketball Court To Be Located Between 8<sup>th</sup> and 9<sup>th</sup> Streets, West Of The Dune, Near The Exercise Equipment.**

Item C4L, June 5, 2013

(Requested by Commissioner Libbin)

Eric Carpenter, Public Works Director

Kevin Smith Parks and Recreation Department Director

**ITEM #9**



# MIAMI BEACH

## MEMORANDUM

TO: Neighborhoods/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 29, 2013

SUBJECT: **Discussion Regarding A Public Basketball Court In Lummus Park On The Sand Between 8<sup>th</sup> and 9<sup>th</sup> Streets.**

### Introduction

At the June 5, 2013, City Commission meeting the Mayor and City Commission referred a discussion of a public basketball court on the sand in Lummus Park to the Neighborhood/Community Affairs Committee.

### Background

A resident of Miami Beach has offered to pay for the full cost of designing and constructing a basketball court to be located on the sand west of the dune near the exercise equipment located in the area between 8<sup>th</sup> and 9<sup>th</sup> Streets in Lummus Park.

Based on the City's current understanding of the concept this action would require a Coastal Construction Control Line (CCCL) Permit from the Florida Department of Environmental Protection (FDEP). Based on the fact that the court requires the installation of concrete or asphalt base, the project would need detailed survey and engineering plans to be created in order to initiate the FDEP permitting process.

If an organization or individual was interested in proceeding with the installation of a temporary court the requirements may be less stringent. Depending on the specifications, a temporary structure may not have to go through the lengthy CCCL permitting process and the City could apply for a field permit. The matter would need to be fully reviewed to determine the specific action steps necessary to permit the temporary court.

### Conclusion

The Administration requests a discussion of a public basketball court to be located on the sand west of the dune near the exercise equipment located in the area between 8<sup>th</sup> and 9<sup>th</sup> Streets in Lummus Park be held by the members of the Neighborhood/Community Affairs Committee and direction as how to proceed be given.

JLM/JMT/KS/EC

F:\RCPA\ALL\Previous\KEVIN\Commission Committees Meetings - 2013\NCAC Meeting - 6-26-13\Lummus Park Basketball Court Discussion.doc

Neighborhood/Community Affairs Committee Meeting  
July 29, 2013

**The Transportation And Parking Committee And The Bicycle-Pedestrian Facilities Advisory Committee Of A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report As Requested By The Flamingo Park Neighborhood Association For 10-Foot Wide Travel Lanes In The Local Avenues, 6 Foot Wide Sidewalks, And For A Cycle Track On 16<sup>th</sup> Street.**  
Item C4P, June 5, 2013

Eric Carpenter, Public Works Director

**ITEM #10**





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Neighborhood / Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 29, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE FLAMINGO NEIGHBORHOOD BASIS OF DESIGN REPORT AS REQUESTED BY THE FLAMINGO PARK NEIGHBORHOOD ASSOCIATION FOR 10-FOOT WIDE TRAVEL LANES IN THE LOCAL AVENUES, 6-FOOT WIDE SIDEWALKS, AND FOR A CYCLE TRACK ON 16<sup>TH</sup> STREET.**

### BACKGROUND

On July 18, 2001, the City Commission approved Resolution 2001-24506 authorizing the execution of a professional services agreement with EDAW, a consulting firm that specializes in urban planning, to prepare a Basis of Design Report (BODR) for the Flamingo Lummus Neighborhood. EDAW and City staff undertook a professional and comprehensive planning effort to identify and describe needed capital improvements for the Flamingo Lummus Neighborhood in the BODR. The BODR included cross-sections for north/south avenues that did not significantly reduce the existing lane widths and a proposed plan for Euclid Avenue that included 12-foot travel lanes, parallel parking lanes, 7.5-foot planting areas with shade trees, and 5-foot sidewalks. At its July 10, 2002 meeting, the City Commission approved Resolution 2002-24925, adopting the Flamingo/Lummus BODR.

On October 6, 2006, after the approval of the Flamingo/Lummus BODR, the City Commission, approved Resolution No. 2006-26399, authorizing a professional services agreement with the RMPK Group, which is now the IBI Group, for the preparation of the Atlantic Greenway Network (AGN) Master Plan Project. At its October 17, 2007 meeting, the City Commission adopted the AGN which included bicycle lanes on Euclid Avenue and 16<sup>th</sup> Street.

The Flamingo BODR and the AGN conflicted on Euclid Avenue as the cross-section in the BODR did not include bike lanes. When the City moved forward with the Flamingo 10F project (bound by 7<sup>th</sup> Street, Washington Avenue, 10<sup>th</sup> Street, and Meridian Avenue), the Flamingo Park Neighborhood Association (FPNA) objected to the bicycle lanes on Euclid Avenue as it would have required a reduction in the 7.5-foot wide planting areas that were part of the BODR.

In exchange for support of the project and the bicycle lanes on Euclid Avenue at a Historic Preservation Board meeting on August 10, 2010, the FPNA requested that all avenues designated as local have 10-foot travel lanes and that all sidewalks be a minimum of 6 feet in width. The Historic Preservation Board, per File No. 7192 and File No. 7232, approved the Flamingo 10F project, including the 10-foot wide travel lanes in the local avenues, 6-foot wide

sidewalks, and bicycle lanes on Euclid Avenue, at its August 10, 2010 and April 12, 2011 meetings, respectively. The Flamingo 10F project was then constructed per these criteria.

In addition to the travel lane and sidewalk widths, the FPNA conducted a series of meetings to develop a preferred cross-section for 16<sup>th</sup> Street. These meetings culminated in a charette held on Saturday, October 13, 2012. At that charette, a number of cross-sections were presented and discussed. Those in attendance voted on their favorite cross-sections. The most popular alternative cross section featured cycle tracks on 16<sup>th</sup> Street. Subsequently, the FPNA proposed that the cycle tracks replace the existing bicycle lanes on 16<sup>th</sup> Street when the City moves forward with its 16<sup>th</sup> Street Operational Improvements project. It is important to note that 16<sup>th</sup> Street is designated as a collector roadway in the federal functional classification system, therefore, the travel lanes should be a minimum of eleven (11) foot wide.

Since the development of the Flamingo BODR and the AGN Master Plan, the Flamingo neighborhood has evolved. The 2012 Community Satisfaction Survey indicates that 26% of South Beach and Belle Isle residents walk and bike as their primary mode of transportation, which is up from 12% in the 2009 Survey. Further, the FPNA worked with the Highway Safety Research Center associated with the University of North Carolina on a program to create a more livable and walkable community. Through that program, the FPNA determined that it would set a goal to be the most pedestrian friendly neighborhood in Florida. This issue was discussed by the Neighborhoods and Community Affairs Committee (NCAC) and endorsed at its February 19, 2013 meeting. The reduction in travel lane width and increase in minimum sidewalk width will help achieve that goal.

There has also been additional research on alternative types of bicycle facilities such as cycle tracks wherein bicyclists are separated from vehicular traffic. Cycle tracks are particularly suited for corridors in which there are few driveways and cross-streets which create potentially unsafe conflicts. Staff has evaluated the cycle track cross-section for 16<sup>th</sup> Street and believes that it is a more appropriate bicycle facility than the bicycle lanes in this instance.

## **ANALYSIS**

These items were taken to the June 5, 2013 City Commission meeting for consideration. At that meeting, the Commission referred it to the Transportation and Parking Committee (TPC), the Bicycle-Pedestrian Facilities Advisory Committee, and the NCAC. The Bicycle-Pedestrian Facilities Advisory Committee is still being formed, and it is not known when a meeting will be held. Therefore, it has not opined on the advisability of this amendment. The TPC heard the proposed changes at its July 1, 2013 meeting and had a favorable response.

## **CONCLUSION:**

The above information is provided for discussion by members of the NCAC.

MT/ETC/JJF/PAUS



Neighborhood/Community Affairs Committee Meeting  
July 29, 2013

**An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road– Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date.**5:00 p.m. First & Only Reading Public Hearing  
Item R5C, June 5, 2013  
(Requested by Land Use & Development committee)

Richard Lorber, Planning and Zoning Interim Director


**ITEM #11**



## COMMISSION MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 29, 2013 

SUBJECT: **Alton Road – Historic District Buffer Overlay**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE III, "OVERLAY DISTRICTS," CREATING DIVISION 8 "ALTON ROAD - HISTORIC DISTRICT BUFFER OVERLAY," BY INCLUDING SECTION 142-858 "LOCATION AND PURPOSE," AND SECTION 142-859 "DEVELOPMENT REGULATIONS," INCLUDING AMONG OTHER PROVISIONS REGULATIONS ON MAXIMUM FLOOR AREA RATIO; MAXIMUM BUILDING HEIGHT; MINIMUM SETBACKS; BUILDING SEPARATION; DEMOLITION OR ADDITIONS TO CONTRIBUTING BUILDINGS IN AN HISTORIC DISTRICT; AND LAND USE REGULATIONS FOR LOCATION OF RETAIL USES, RESTAURANTS, BARS, ENTERTAINMENT ESTABLISHMENTS, ALCOHOLIC BEVERAGE ESTABLISHMENTS AND SIMILAR USES; REQUIRING CONDITIONAL USE APPROVAL OF SUCH USES IN EXCESS OF 10,000 SQ. FT.; AND PROHIBITING ALCOHOLIC BEVERAGE AND ENTERTAINMENT ESTABLISHMENTS IN OPEN AREAS WITH EXCEPTIONS AS PRESCRIBED IN THE ORDINANCE; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

### **BACKGROUND**

In the Summer of 2006 the Historic Preservation Board initiated the westward expansion of the Flamingo Park Local Historic District to the east right-of-way line of Alton Road between 6<sup>th</sup> Street and 14<sup>th</sup> Street in order to protect the character of the adjacent National Register Historic District as well as the historically significant but yet unprotected properties along this stretch of Alton Road. It was noted by the board that recent commercial development trends along Alton Road could significantly adversely impact the quality of life and historic integrity of the National Register Historic District thereby undermining the cultural tourism appeal and quality of life of the city.

At the same time the Historic Preservation Board requested the Planning Department to initiate a major planning study of the Alton Road Corridor, including both sides of the road between 5<sup>th</sup> Street and Michigan Avenue, which should include an analysis and evaluation of existing uses and conditions, historically significant properties, permitted building heights, allowable FAR, parking conditions and requirements, the efficacy of current zoning, and the character of the public right-of-way with regard to pedestrian amenities, convenient means of transit, and quality of landscape.

The board further requested that the Planning Department organize and advertise a series of community planning workshops, inviting members of the Historic Preservation Board and the Planning Board, in order to gain public input and insight from local business owners and residents so that the Department might develop a comprehensive set of planning and zoning recommendations for future development and preservation along the corridor that would enable healthy future growth and development without overwhelming or adversely impacting the historic character of the area.

On January 16, 2008, the Mayor and City Commission approved Ordinance No. 2008-3592, expanding the boundaries of the Flamingo Park Historic District westward expansion to Alton Road between 8 Street and 14 Street; and on January 28, 2009, the Mayor and City Commission approved Ordinance No. 2008-3592, expanding the boundaries of the Flamingo Park Historic District westward expansion to Alton Road between 6 Street and 8 Street

The Planning Department conducted an analysis of existing conditions, issues and opportunities in the Alton Road corridor and held a community planning workshop on August 20, 2008 to receive community input on land use, zoning, business development, parking, transit and pedestrian/bicycle amenities. On January 27, 2009, the Planning Department presented preliminary findings and recommendations for the Alton Road Neighborhood Planning Study to the Planning Board. On February 26, 2009, the Planning Department and the Planning Board held a second community planning workshop on the Alton Road Neighborhood Planning Study to receive community input. Both community planning workshops were advertised by mailed notice to property owners, newspaper notice, and City email newsletters.

On March 2, 2009, the Land Use and Development Committee adopted a motion directing the Planning Department to prepare an ordinance that would rezone the east side of Alton Road between 6 Street and 16 Street from the CD-2 district to the CD-1 district, and to review the uses and to the extent that there is a floor area incentive for mixed-use buildings, require that the additional FAR be set aside for affordable or workforce housing, and to refer the item to the Planning Board. On March 18, 2009, the Mayor and City Commission discussed the motion from the Land Use and Development Committee and clarified their intent to consider other options, including an overlay district that would remove the floor area ratio incentive for mixed-use projects.

During the Planning Board meetings on April 21, 2009, May 26, 2009 and August 25, 2009, the Planning Department staff held additional detailed discussions with the Board on the proposed zoning modifications for the east side of Alton Road in the Flamingo Park Historic District. The proposed Alton Road- Historic District Buffer Overlay is the result of those discussions.

On October 27, 2009, the Planning Board held a public hearing on the proposed overlay district and heard testimony from residents who were unhappy with some aspects of the draft ordinance. The Planning Board continued the hearing to the November 17 meeting and asked staff to meet with the concerned residents to try to resolve their issues. The Planning Department held two meetings with the residents on October 30 and November 9, 2009. The public hearing at the Planning Board meeting on November 17, 2009 resulted in several additional amendments to the proposed ordinance. The Planning Board recommended approval of the amended overlay district by a vote of 5 to 0.

Subsequently, the Administration made a determination that the amendments added to the ordinance during the November 17<sup>th</sup> public hearing, specifically amendments dealing with land use restrictions, may require a different type of notice to property owners than was provided for the previous public hearings. To avoid any legal challenges, the overlay district was brought back to the Planning Board in the same form as it was approved in November, 2009, with 30-day notice mailed to all property owners in and within 375 feet of the proposed overlay district.

On February 25, 2010, the Land Use and Development Committee discussed the proposed Alton Road Historic District Buffer Overlay. The Committee recommended that the ordinance be approved, and indicated that it does not need to come back to them unless there is a major material change made by the Planning Board.

On April 27, 2010, the Planning Board held a second public hearing on the proposed Alton Road Historic District Buffer Overlay district after the required 30-day mailed notice. The Planning Board voted 5 – 0 to recommend approval of the ordinance with an amendment that deleted the “no variances” provision. Subsequently, at their meeting on May 25, 2010, the Board voted 3 - 2 to reconsider their recommendation and to schedule the item for rehearing.

On August 24, 2010, the Planning Board held a third public hearing on the proposed Alton Road Historic District Buffer Overlay district after the required 30-day mailed notice. Based on objections from commercial property owners who were not present during the first two hearings, the Board voted separately on each of several amendments to the ordinance. Individual amendments that were approved by the Planning Board have been incorporated into the ordinance. However, a final vote to recommend approval of the entire ordinance, as amended, failed by a vote of 3-2 (four affirmative votes are required to approve a request that requires City Commission approval).

On November 1, 2010, the Administration hosted a meeting between attorneys representing certain property owners who objected to the ordinance and representatives from the neighborhoods in an attempt to forge a compromise on several limited points of disagreement. As a result of that meeting, the Administration is proposing an alternate version of the ordinance that we believe satisfies the most critical objections from both sides; while at the same time it represents sound planning principles and the interests of the city-at-large. A summary chart of the disputed issues and proposed changes to the ordinance is enclosed as Attachment A, and each issue is discussed in the analysis below.

On November 17, 2010, the ordinance was scheduled for first reading. The Mayor and City Commission continued the first reading to the January 19, 2011 meeting and referred the item to the Land Use and Development Committee for discussion. The LUDC deferred the item on January 31, 2011, February 23, 2011, and April 21, 2011.

On May 18, 2011 the LUDC moved the ordinance to pending items based upon failure of various stakeholders to agree on details of the proposed Alton Road Historic District Buffer Overlay district. On January 23, 2013, the Ordinance was transmitted by the Land Use Committee to the full City Commission with a favorable recommendation.



On June 5, 2013, the ordinance was discussed at a public hearing by the Mayor and City Commission, who continued the matter to the October 16, 2013 meeting and referred the item to the Neighborhood/Community Affairs Committee for discussion.

### **ANALYSIS**

The purpose of the Alton Road – Historic District Buffer Overlay District is to minimize the impacts of development along Alton Road on residential properties located in the Flamingo Park Historic District and the Palm View Historic District. Specifically the overlay district is intended to apply to properties zoned CD-2 Commercial Medium Intensity that are adjacent to lower intensity RS-4 and RM-1 residential buildings in designated local historic districts. The overlay district regulations are intended to achieve a more compatible relationship of scale and massing between the Alton Road corridor and the adjoining residential neighborhoods.

The locations of the proposed overlay district are as follows:

Area 1 includes those properties fronting on the east side of Alton Road from 6 Street to 11 Street. Existing zoning is CD-2 adjacent to RM-1 in the Flamingo Park Historic District.

Area 2 includes those properties fronting on the east side of Alton Road from 14 Street to 15 Street. Existing zoning is CD-2 adjacent to RS-4 in the Flamingo Park Historic District.

Area 3 includes those properties fronting on the east side of Alton Road from 17 Street to the Collins Canal, except for the corner property adjacent to 17 Street. Existing zoning is CD-2 adjacent to RS-4 in the Palm View Historic District.

The proposed ordinance limits the floor area ratio (FAR) to a maximum of 1.5 by removing the existing bonus of .5 FAR for mixed-use buildings. This will make new construction along Alton Road more compatible in scale and intensity with the adjoining historic neighborhood zoned RM-1, which has existing buildings that range from 0.5 to 1.25 FAR with a few scattered sites over 1.25 FAR. During the planning process, various alternatives were considered, including down-zoning from CD-2 to CD-1, which has a maximum FAR of 1.0 with a mixed-use bonus of .25 FAR. After much discussion and analysis, it was ultimately decided that 1.5 FAR is suitable for Alton Road development. This is based on many factors, including the importance of Alton Road as a commercial corridor and the existing bus and potential future transit linkages (e.g. Bus Rapid Transit). From an urban design viewpoint, the proposed overlay district forms a gradual stepping up of the intensity from RM-1 on the residential neighborhood to the east, to a maximum of 1.5 FAR on the east side of Alton Road, to a maximum of 2.0 FAR on the west side of Alton Road, to a maximum of 2.25 FAR (2.75 for large lots) on the Bayfront in RM-3. However, it must be noted that FAR alone does not define the building envelop that is necessary to assure compatibility with the historic district. The height and setback regulations described below are also necessary to achieve this goal.

Another alternative that was discussed during the planning process was to keep a FAR bonus for residential uses in a mixed-use building, but to make the bonus an incentive to provide affordable or workforce housing. The Planning Board did not support this recommendation due to their consensus to limit FAR to a maximum of 1.5.

The maximum building height in the Planning Board recommended ordinance is 43 feet along Alton Road and a maximum of 23 feet in the rear portion of the lots within 50 feet from the rear property line for lots abutting an alley (Lenox Court) and within 60 feet from the RM-1 district for blocks with no alley between 8 Street and 11 Street. The 23 feet height limit in the rear of the lots is based upon maintaining consistency with the predominant 2-story height of existing buildings in the RM-1 district. For lots adjoining single family districts, the 23 feet height limit will also ensure a compatible transition in the rear portion of the commercial property. The administration has an alternative recommendation for maximum building height of 50 feet along the front portion of the lots fronting Alton Road and 28 feet in the rear portion of the lots. This change is based upon information supplied by property owners concerning industry standards for minimum ceiling heights in new retail, restaurant and office buildings. However, this recommendation is subject to building separation requirements for larger site development (see below) to prevent monolithic buildings at 50 feet height.

The building height limitations in the proposed overlay district are coupled with rear yard setbacks to achieve the appropriate buffer between the RM-1/RS-4 districts and the CD-2 district. Proposed minimum building setbacks in the rear yard are 25 feet for lots with no alley and 5 feet for lots with an alley. The existing CD-2 and CD-1 zoning districts have a 5 feet minimum rear setback irrespective of whether there is an alley (20 feet width) to provide adequate separation between the buildings.

The overlay district proposes a minimum 5 feet setback on the front and side facing a street. This is necessary to provide adequate pedestrian circulation space to support alternative modes of transportation and sustain a vibrant commercial district.

The overlay district as amended by the Planning Board has no minimum interior side yard setback, nor does it have provisions for building separation, lot aggregation or view corridors on larger lot assemblages. Instead, the Planning Board version of the ordinance contains language requiring architectural treatments on the façades of buildings to be reflective of the 50 feet wide lot development pattern that is predominant in the historic district. This could be accomplished by such things as small variations in setbacks, window placement, or vertical and horizontal design elements on the façade, subject to design review. This was the recommendation of the Planning Board in November 2009 following extensive workshop discussions wherein the Planning Department staff had recommended various formulas for requiring a complete physical separation between adjacent buildings on the upper stories above ground level retail. The intent was to prevent a continuous wall of 40-50 feet tall buildings that would be inconsistent with the small lot development pattern of the historic residential neighborhoods. The current recommendation from the Administration is retain the language developed by the Planning Board with the clarification of “east and west” facades, and to add a paragraph requiring building separation under limited circumstances as follows: “Any development greater than 43 feet in height on a lot with more than 150 linear feet of frontage along Alton Road shall have a separation between all portions of the structure above a height of 28 feet, so that there is a minimum 15 feet wide view corridor running from east to west at least every 150 linear feet along the Alton Road corridor”.

The overlay district contains 9 contributing buildings in the Flamingo Park Historic District. Those contributing buildings are proposed to be subject to two of the same

conditions applied to historic buildings in the adjoining RM-1 zoning district. Those include a prohibition on demolition of architecturally significant portions of the building and prohibition of building within a historic courtyard.

Residents of the Flamingo Park neighborhood were concerned about impacts of noise and traffic from intensive commercial uses. Therefore, the proposed overlay district modifies the underlying CD-2 land uses in several ways. One of them is by prohibiting retail uses, restaurants, bars, entertainment establishments and similar uses at any level above the ground floor. An exception is provided for loft or mezzanine within the interior of a ground floor commercial space, provided that the loft or mezzanine does not exceed one third of the floor area of the store. Based upon objections from property owners, the current Administration recommended ordinance deletes the language limiting the loft or mezzanine to one third of the floor area, and replaces it with language permitting "a second floor within a ground floor commercial space, if it functions as one single contiguous establishment and is only accessible to the public through the contiguous ground floor commercial space." This would allow two full floors inside any given retail store, similar to CB2 or Borders book stores, but it would not allow multilevel shopping centers.

No alcoholic beverage establishment, entertainment establishment or restaurant may be licensed as a main permitted or accessory use in any open area above the ground floor (any area that is not included in the FAR calculations) or at ground level in any open area within 125 feet of a residential district, except that residents of a multifamily (apartment or condominium) building or hotel guests may use these areas, which may include a pool or other recreational amenities, for their individual, personal use with appropriate buffering as determined by the Planning Department or applicable land use board with jurisdiction. No variance to this provision would be permitted.

In accord with the objective of encouraging locally oriented retail and service uses that are compatible in scale and character with the historic districts, the overlay district requires conditional use approval for any individual retail, restaurant, bar, entertainment establishment or similar establishment in excess of a certain size threshold. The Planning Dept. conducted a detailed survey of businesses in the Alton Road corridor and determined that a threshold of 5,000 sq. ft. generally separates businesses that primarily serve the neighborhood population from businesses that primarily serve the entire city and beyond. To provide a generous margin of error, staff doubled the recommended threshold to 10,000 sq. ft. for conditional use approval. The Planning Board changed the conditional use threshold from 10,000 sq. ft. to 20,000 sq. ft. by a 4-2 vote at their meeting on August 24, 2010, based upon objections from property owners. The Administration's recommendation is to keep the original threshold of 10,000 sq. ft. per establishment for conditional use approval based upon the analysis conducted by the Planning Department.

A majority of the discussions during the community workshops and Planning Board meetings centered upon the blocks between 6th and 11th Streets. However, it was noted that there is an incompatible scale relationship between the CD-2 zoning district and adjoining RS-4 single family zoning districts located in the 1400 block and the 1700 block. Down-zoning to CD-1 was considered for these two blocks, but the Planning Department recommends that the proposed overlay district will provide a more effective buffer than CD-1 due to the height and setback regulations in the overlay district. At their



August 24, 2010 meeting, the Planning Board voted 5-1 to remove lots 15 and 16 from the overlay district (northeast corner of 17 Street and Alton Road).

**SUMMARY**

The City Commission referred the proposed Ordinance to the Neighborhoods and Community Affairs Committee on June 5, 2013. Although the proposed Ordinance is a companion item to the Alton Road Parking District No. 6 Ordinance, the Administration believes that it is valid as a standalone ordinance because it is based on the preservation and planning principles described in this memo.

**CONCLUSION**

The Administration recommends that the Committee provide additional policy direction regarding the Ordinance, and transmit it to the full City Commission with a favorable recommendation.

JLM/JMJ/RGL/TRM  
M:\\$CMB\CCUPDATES\NCAC\2013\Alton Road Historic District Buffer Overlay.docx

Neighborhood/Community Affairs Committee Meeting  
July 29, 2013

Quarterly Reports: Last reported 3/18/13 NCAC

Quarterly Report Crime Statistics  
Quarterly Report Regarding Washington Ave

PD  
PD/Code/Sanitation

**ITEM #12**

## **PRESENTATION AT COMMITTEE MEETING**